

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN FLYNN, et al.,
Plaintiffs,
-against-
McGRAW HILL LLC, et al.,
Defendants.

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21-CV-614 (LGS) (BCM)

DISCOVERY ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed on the record during today's status and discovery conference, it is hereby ORDERED that plaintiffs' motion to compel discovery (Dkt. 158) is GRANTED IN PART and DENIED IN PART, as follows:

1. **Custodial Emails (Requests for Production (RFPs) 10, 17, 19, 20, 24, 37, and 40).** Defendants must search for and produce relevant and discoverable documents, in accordance with the "'Refresh' Custodial Production Proposal"(Dkt. 158-5), except that plaintiffs must narrow proposed search terms 1-7 to more tightly focus on the Connect platform. The parties must meet and confer promptly in a good faith effort to agree upon the modified search terms.
2. **Communications with Putative Class Members (RFPs 25 & 26).** Defendants must search for and produce documents responsive to RFPs 25 and 26 concerning all authors, whether or not named as plaintiffs.
3. **Apollo Documents (RFP 47).** Plaintiffs' motion is denied as to this RFP.
4. **Custom Courseware Group Documents (RFPs 45 & 46).** Defendants must search for and produce documents responsive to RFPs 45 and 46 for the time period ended December 31, 2020, or the date on which the new platform fee was debuted, whichever is earliest.
5. **Pre-2020 EBook and Connect Prices.** Plaintiffs' motion is denied as to this category.
6. **Documents Related to Connect 2.** Plaintiffs' motion is denied as to this category.
7. **Interrogatories.** Defendants must respond to Interrogatories 3-8 no later than **March 13, 2025**. Plaintiffs' motion is denied as to Interrogatory 9.

It is further ORDERED that, to the extent defendants wish to rely on the report of an industry expert in support of their anticipated motion for summary judgment, they must serve that

report, in compliance with Fed R. Civ. P. 26(a)(2)(A), (B), or (C), no later than **April 1, 2025**. Plaintiffs' rebuttal report must be served no later than **April 29, 2025**. The parties must complete any depositions of the summary judgment experts no later than **May 13, 2025**. Consequently, the deadline for the parties to complete all discovery necessary for class certification and/or summary judgment is **May 13, 2025**.

Defendants are reminded that if they wish to take a position as to the sealing of plaintiffs' Exhibit 8 (Dkt. 163-2), which they designated as "confidential," they must do so no later than **February 12, 2025**. See Moses Ind. Prac. §§ 2(e), 3(e).

The Clerk of Court is respectfully directed to close the motion at Dkt. 158.

Dated: New York, New York
February 11, 2025

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge